

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY FARE, as Next Friend
of GRACE FARE, a minor,

Plaintiff,

Case No: 20-164
Hon.
Magistrate

-vs-

TARGET CORPORATION,
a domestic profit corporation,

Defendant.

NOTICE OF REMOVAL

TO: The United States District Court
Western District of Michigan
Southern Division

NOW COMES the Defendant, TARGET CORPORATION, a Minnesota Corporation, by and through its attorneys, the Law Office Of Mark D. Willmarth, and hereby removes this action and gives notice to plaintiff of the removal of this action from the Circuit Court of the State of Michigan, County of Kent, to the United States District Court for the Western District of Michigan, Southern Division, and respectfully shows unto this Court as follows:

1. That TARGET CORPORATION is the only defendant in a civil action brought against it in the Circuit Court for the County of Kent, State of Michigan, entitled "TIMOTHY FARE, as Next Friend of GRACE FARE, a minor, Plaintiffs, vs. TARGET CORPORATION, a domestic profit corporation, Defendant," Case

No. 20-01190-NO, and that attached hereto are Exhibit 1, Summons and Complaint; Jury Demand; and Motion for Appointment of Next Friend; and constitute all process and pleadings served by and upon the parties in such action; and that further, no proceedings have been had therein.

2. That the above-captioned action is a civil action over which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332(a) and is one which may be removed to this Court by the petitioner, defendant herein, pursuant to the provisions of Title 28, United States Code, Section 1441(a), in that it is a civil action wherein the plaintiff claims damages in an amount in excess of \$75,000.00, exclusive of interest, costs and attorney fees, by virtue of Plaintiff's Demand in the amount of \$2,000,000.00 by letter dated August 28, 2019 for the alleged injuries to Plaintiff, GRACE FARE's right hand, right leg alleged severe emotional distress and development of trypanophobia and paranoia, together with expense of medical and psychological care and treatment, and economic loss, past, present and future, which she claims arises from the incident in this case. Paragraphs 10, 27-31 of said Complaint. And, see, *Garza v Bettcher Industries, Inc.*, 752 F. Supp. 753, at pages 763-764 (E.D. Mich 1990).

3. That further, this matter may be removed to federal court on the basis of diversity of citizenship under Title 28, United States Code, Section 1332(a)(1) in

that Plaintiffs, TIMOTHY FARE and GRACE FARE, are residents and citizens of the City of Wyoming, County of Kent and State of Michigan, and defendant is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota and is not a citizen of the State of Michigan in that it is neither incorporated in, nor has its principal place of business in, the State of Michigan.

4. That this notice of removal is filed in a timely and proper manner inasmuch as this notice of removal is filed within thirty (30) days of service on Defendant of the Summons, Complaint, Jury Demand and Motion for Appointment of Next Friend on February 7, 2020. 28 USC 1446(b).

WHEREFORE, defendant gives notice that the above action now pending against it in the Circuit Court of the County of Kent, State of Michigan is removed therefrom to this Court.

Respectfully submitted,

/s/ Mark D. Willmarth

BY: MARK D. WILLMARTH (P27967)
Attorneys for Defendant Target
503 S. Saginaw Street, Ste. 1000
Flint, MI 48502
(810) 600-4239
mwillmarthlaw@yahoo.com

DATED: _February 25, 2020_

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

TIMOTHY FARE, as Next Friend
of GRACE FARE, a minor,

Plaintiff,

Case No: 20-01190-NO
Hon. Paul J. Denenfeld

-VS-

TARGET CORPORATION,
A Domestic profit corporation,

Defendant.

TIM P. SEEGER (P83315)
Grewal Law, PLLC
Attorney for Plaintiff
801 Broadway, NW, Ste. 302
Grand Rapids, MI 49504
(616) 259-8463

MARK D. WILLMARTH (P27967)
Law Office of Mark D. Willmarth
Attorneys for Defendant Target
503 S. Saginaw Street, Ste. 1000
Flint, MI 48502
(810) 600-4239
mwillmarthlaw@yahoo.com

NOTICE TO STATE COURT AND COUNSEL OF REMOVAL

TIM P. SEEGER (P83315)
Attorney for Plaintiff

CLERK OF THE COURT
Kent County Circuit Court

PLEASE TAKE NOTICE that the above-captioned cause has been removed from the Kent County Circuit Court, State of Michigan, to the United States District Court for the Western District of Michigan, Southern Division, and that attached hereto is a copy of the Notice of Removal which was duly filed on February 25, 2020 in said Court. The case has been assigned to Federal Judge _____ and is designated as Civil Action No. 20-164.

Respectfully submitted,

/s/ Mark D. Willmarth

BY: _____
MARK D. WILLMARTH (P27967)
Attorneys for Defendant Target

Dated: February 25, 2020

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY FARE, as Next Friend
of GRACE FARE, a minor,

Plaintiff,

Case No: 20-164
Hon.
Magistrate

-vs-

TARGET CORPORATION,
A domestic profit corporation,

Defendant.

_____ /

PROOF OF SERVICE

Mark D. Willmarth, being first duly sworn, deposes and says that on the 25th
day of February, 2020 he served **NOTICE OF REMOVAL, NOTICE TO
STATE COURT AND COUNSEL OF INTEREST OF REMOVAL and
PROOF OF SERVICE** upon:

TIM P. SEEGER
Grewal Law, PLLC
801 Broadway, NW, Ste. 302
Grand Rapids, MI 49504

CLERK OF THE COURT
Kent County Circuit Court
180 Ottawa Ave. NW
Grand Rapids, MI 49418

By courier to the Clerk of the Court and by U.S. Mail, first class postage
fully prepaid to attorney for plaintiff.

Respectfully submitted,

/s/ Mark D. Willmarth

By:
MARK D. WILLMARTH (P27967)
Attorney for Defendant
503 S. Saginaw Street, Ste. 1000
Flint, MI 48502
(810) 600-4239

Dated: February 25, 2020